UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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'08 MJ 1456

UNITED STATES OF AMERICA, Plaintiff, v. **Carlos Ernesto MEJIA-Menjivar AKA: Luis MARTINEZ-Aguilar** Defendant.	Magistrate Case No: COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about **May 7, 2008**, within the Southern District of California, defendant **Carlos Ernesto MEJIA-Menjivar AKA: Luis MARTINEZ-Aguilar**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **8th** day of **May 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On May 7, 2008 at approximately 0755 hours **Carlos Ernesto MEJIA-Menjivar AKA: Luis MARTINEZ-Aguilar (Defendant)** made application for entry into the United States from Mexico at the pedestrian entrance of the San Ysidro, California Port of Entry. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant presented a B1/B2 Laser Visa (Form DSP-150) bearing the name Jose Rodolfo Corral-Sanchez. The officer suspected Defendant was not the rightful owner of the document and elected to escort him to secondary for further inspection.

In secondary, Defendant was determined to be an impostor to the document presented. Defendant was queried by ten-digit fingerprint submission through the Automated Biometric Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS). IDENT/IAFIS returned a match to the query, verifying Defendant's true identity and linking him to Immigration Service and FBI records.

Queries of Immigration Service records including the Central Index System (CIS) and the Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico without legal documents to enter, pass through or reside in the United States. DACS information indicates that Defendant was ordered removed by an Immigration Judge on or about September 11, 2000. DACS information reveals Defendant was last removed from the United States to Mexico on or about December 21, 2000. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. Defendant admitted he is a citizen of El Salvador. Defendant admitted he was deported from the United States. Defendant admitted he told Immigration officials he is a citizen of Mexico in order to avoid being deported to El Salvador. Defendant admitted he has not has not applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally enter the United States. Defendant admitted his family purchased the DSP-150 from an unknown male in Tijuana for $2,000 USD. Defendant stated he intended to travel to Utah to reunite with family.